

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

RICHARD T. O'DONNELL, on behalf of  
himself and all others similarly situated,

Plaintiffs,

V.

AXA EQUITABLE LIFE INSURANCE  
COMPANY,

Defendant.

CIVIL ACTION NO.  
3:15CV1347

September 10, 2015

**TRANSMITTAL DECLARATION OF DAVID R. SCHAEFER, ESQ.  
IN SUPPORT OF AXA EQUITABLE LIFE INSURANCE COMPANY’S  
MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, David R. Schaefer, declare and state as follows:

1. I am a member of the bar of the State of Connecticut and a member of the law firm of Brenner, Saltzman & Wallman LLP, counsel for defendant AXA Equitable Life Insurance Company in the above-captioned action.

2. I make this transmittal declaration in support of Defendant's AXA Equitable Life Insurance Company's Motion To Transfer Venue Pursuant To 28 U.S.C. § 1404(a) To The Southern District Of New York Where Related Litigation Is Pending and accompanying Memorandum of Law and for the purposes of transmitting to the Court true and correct copies of the following documents:

3. Attached as Exhibit 1 is a true and correct copy of the complaint in O'Donnell v. AXA Equitable Life Ins. Co., docketed as Civ. A. No. 14-cv-2209 (VSB) (DCF) in the U.S. District Court for the Southern District of New York, dated March 28, 2014;

4. Attached as Exhibit 2 is a true and correct copy of the Summons and Complaint in Zweiman v. AXA Equitable Life Ins. Co., Supreme Court of the State of New York, County of Westchester, Commercial Division, Index No. 59638/2014 E, dated June 24, 2014;

5. Attached as Exhibit 3 is a true and correct copy of the Notice of Removal in Zweiman v. AXA Equitable Life Ins. Co., which is docketed as Civ. A. No. 14-cv-5012 (VSB) (DCF) in the U.S. District Court for the Southern District of New York, dated July 3, 2014 (without the exhibits to that Notice, which are publicly available through that court's electronic filing system);

6. Attached as Exhibit 4 is a true and correct copy of the docket of the U.S. District Court for the Southern District of New York in Zweiman v. AXA Equitable Life Ins. Co., Civ. A. No. 14-cv-5012 (VSB) (DCF); and

7. Attached as Exhibit 5 is a true and correct copy of the Summons and Complaint in O'Donnell v. AXA Equitable Life Ins. Co., Connecticut Superior Court, Judicial District of New Haven, Case No. NNH-CV15-6056844-S, dated August 18, 2015 (which has been filed with this Court as an exhibit to the Notice of Removal).

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 10, 2015 in New Haven, Connecticut.

Dated: September 10, 2015

DEFENDANT AXA EQUITABLE  
LIFE INSURANCE COMPANY

By: s/David R. Schaefer

David R. Schaefer (ct04334)

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2015, a copy of the foregoing Transmittal Declaration of David R. Schaefer, Esq. In Support Of AXA Equitable Life Insurance Company's Motion To Transfer Venue Pursuant To 28 U.S.C. § 1404(a) was filed electronically and was served by electronic mail and overnight courier upon counsel for Plaintiff listed below:

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Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

Dated: September 10, 2015

s/David R. Schaefer  
David R. Schaefer (ct04334)